

SECTION A. Substantive Changes

- **2002-2 / Negative Notice Procedure (NEW)**

Suggestion has been made to establish a process similar to the one used in FL-M and a proposed version for Florida Northern is listed below. A link to the FL-M local rule and list of applicable items can be found in the local rule update section on the court's website. This new rule does not change and/or impact other rules where a negative notice type procedure is already in place except for inclusion of language requiring the use of the notice legend found in 2002-2.B(3).

A. The following motions, objections, and other pleadings not already specifically provided for by a similar negative notice procedure in these rules may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest requests a hearing:

(1) Motion to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Bankruptcy Rule 4001(d).

(2) Motion to avoid liens on exempt property pursuant to Bankruptcy Rule 4003(d).

(3) Motion to use, sell, or lease property not in the ordinary course of business pursuant to Bankruptcy Rule 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to Bankruptcy Rule 6004(c).

(4) Notices of abandonment pursuant to Bankruptcy Rule 6007(a) and motion to compel abandonment pursuant to Bankruptcy Rule 6007(b).

(5) Motion to approve compromises or settlements pursuant to Bankruptcy Rule 9019(a).

(6) Motion to extend time under Local Rule 3002-1.

(7) Motion to deem mortgage current under Local Rule 3002.1-1.D.2.

(8) Other motions, objections, and matters if permitted by the presiding judge.

B. Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7004-1.

(2) To the extent permitted under the Federal Rules of Bankruptcy Procedures, Local Rules, or any order of the Court, a Filing User may make use of these Negative Notice Procedures by serving motions, objections, and other matters by electronic means to any other Filing User or other party who consents to receive service by electronic means.

(3) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO
OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-2, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at (address), and serve a copy on the movant's attorney, (name and address, and any other appropriate persons) .

If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested

C. For the purpose of completing the above negative notice legend, the number of days during which parties may object that is placed in the negative notice legend shall be twenty-one (21) days.

(1) In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court may schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(2) In the event no party in interest files an objection within the time permitted in the negative notice legend as computed under Bankruptcy Rule 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting

relief. The movant shall submit the proposed order not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(a) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-2 negative notice legend informing the parties of their opportunity to object within the proper days of the date of service;

(b) No party filed an objection within the time permitted; and

(c) The Court therefore considers the matter to be unopposed.

D. Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

RELATED LOCAL RULES WHERE USE OF LEGEND TO BE NOTED

3007-1 Claims Objections

B. Objections to claims shall contain the legend set forth in Local Rule 2002-2.B(3) and filed individually for each claim objected to and may name only one creditor.

D. If no response to an objection to a claim is filed pursuant to Local Rule 9013-2 and the objection contained the legend set forth in Local Rule 2002-2.B(3), the Court may grant relief to the objecting party without the necessity of an evidentiary hearing if relief is otherwise proper.

3012-1 Valuation of Collateral

B. In cases filed under Chapter 12 or 13: Upon the filing of the plan or within five (5) days thereafter, the debtor shall file a notice to secured creditors whose claims are being impaired under the Plan of the value of the collateral which secures their claim. The notice shall contain the legend set forth in Local Rule 2002-2.B(3) and the following information:

4003-2 Lien Avoidance

D. If a timely response is filed, the matter will be noticed for an evidentiary hearing. If the respondent fails to file a timely response and the legend set forth in Local Rule 2002-2.B(3) was included in the motion, the motion may be granted without further notice or hearing.

6004-1 Sale of Estate Property

C. Sales of property of the estate free and clear of liens pursuant to 11 U.S.C. § 363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:..

(2) File a notice of sale containing the legend found in Local Rule 2002-2.B(3) (see local forms page on Court internet site) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

6007-1 Abandonment

B. Unless an objection is filed within fifteen (15) days of the filing of the notice which contained the legend set forth in Local Rule 2002-2.B(3) or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

- **2081-1/ Chapter 11 - General**

Add clarifying Language to A. including a section that directs attorneys/DIP's to comply with Administrative Order 05-001 - ADMINISTRATIVE ORDER ESTABLISHING INITIAL PROCEDURES IN CHAPTER 11 CASES.

A. Authority to Operate Business/Manage Financial Affairs

(1) The operation of a business by a debtor-in-possession in cases filed under Chapter 11 shall be subject to the terms and conditions of an order continuing the debtor-in-possession to be entered upon the filing of the petition or to the entry of the Order for Relief. The debtor-in-possession shall also deposit taxes and file tax returns in compliance with the terms of the Order to File Federal and State Employment Tax Returns and To Deposit State and Federal Taxes (see local forms page on Court internet site).

(2) Individual Chapter 11 debtors not engaged in business shall be subject to the terms and conditions of the order authorizing individual debtors to manage financial affairs to be entered upon the filing of the petition or entry of the order for relief.

(3) All Chapter 11 voluntary debtors must comply with the Administrative Order Establishing Initial Procedures in Chapter 11 Cases (see Administrative Order No. 05-001 on the Court internet site).

B(1) - Remove need for the plan proponent to distribute copies of the Order of Confirmation as this is completed by the Clerk's office. Please note that requirement for the proponent to distribute copies of the confirmed plan to required parties remains.

(1) Within ~~twenty (20)~~ twenty-one (21) days after the ~~confirmation~~ hearing confirming the plan, the attorney for the proponent of the plan shall prepare the Order of Confirmation and submit it to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The Order Confirming the Plan will be distributed by the Court to all parties in interest. The proponent of the plan shall then be responsible for the distribution of ~~the Order of Confirmation~~ and copies of the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

B(2)(d) - Language to be added to recommend use of a local form. (i.e. *Local Form 26, Individual Debtor(s) Motion for Entry of Discharge, Certificate of Compliance and Notice of Time to Object.*)

(d) After the last plan payment has been made in an individual case, the debtor shall file:

(1) a certification that the final payment has been made (see local forms page on Court internet site);

(2) a motion for entry of discharge (see local forms page on Court internet site);

- **2083-1 / Chapter 13 – General (2082-1 / Chapter 12 – General)**

Current rule just re-states that Chapter 12 Local Rule 2082-1 shall apply in all Chapter 13 business cases. As this can be confusing and to assist when referencing

the rules, complete rule language is being added to fully outline applicable procedures for just Chapter 13's.

~~Local Rule 2082-1(B) shall apply in all business Chapter 13 cases.~~

A. Pre-Confirmation Matters in Chapter 13

In all cases filed under Chapter 13 where the debtor is required to file monthly operating reports, the debtor shall file a statement which contains "adequate information" about:

(1) the debtor's ability to make all of the payments under the plan and to comply with the plan,

(2) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year,

(3) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value,

(4) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and

(5) a projection of the net disposable income of the debtor for the term of the plan.

B. For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

C. In business Chapter 13 cases, the pre-confirmation statement shall be filed twenty-one (21) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

Also, the second to last sentence from Rule **2082-1B.(3)** will be deleted....

(3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. ~~In business Chapter 13 cases, the preconfirmation statement shall be filed fifteen (15) days prior to the confirmation hearing.~~ Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

- **2090-1 / Attorneys – Admission to Practice**

A – Suggestion to add language to clarify process for Pro Hac Vice under USDC admission process as no distinction is made between PHV and admitted attorneys.

A. Except as provided herein, Local Rule 11.1 of the United States District Court for the Northern District of Florida governs the admission and appearance of attorneys before the Bankruptcy Court. All attorneys admitted to practice or approved to appear Pro Hac Vice in the United States District Court for the Northern District of Florida are by virtue thereof admitted to practice in the Bankruptcy Court.

Note: With the advent of electronic case filing, the United States District Court no longer draws any substantive distinction between membership in the bar of this district and pro hac vice admission. An attorney admitted pro hac vice will be treated as a member of the bar of this district and will remain a member, even after termination of the case, until such time as the attorney affirmatively withdraws from the bar of this district or no longer meets the admission qualifications.

- **3001-1 / Proof of Claim**

Amendments to the national rules have been developed to assist with issues arising with mortgage servicing and related claims. A link to the proposed amendments and associated discussion of the topic can be found in the local rule update section on the court's website. As the amendments if approved at the national level will not take effect until 12/1/2011, the suggestion is to incorporate them at the local level in the interim. This is being implemented in conjunction with new local rule 3002.1-1.

Current language regarding notice under Bankruptcy Rule 3004 will be removed as it is no longer valid.

3001-1 ~~Claims & Equity Security Interest~~ Proof of Claim

Supporting Proof of Claim Information.

A. When a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of

claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

B. Additional Statements Required.

(1) If, in addition to its principal amount, a claim includes interest, fees, expenses, or other charges incurred prior to the date of the petition, an itemized statement of the interest, fees, expenses, or charges shall be filed with the proof of claim.

(2) If a security interest is claimed in property of the debtor, the proof of claim shall include a statement of the amount necessary to cure any default as of the date of the petition.

(3) If a security interest is claimed in property noted in the petition and schedules filed in the case as the debtor's principal residence and an escrow account has been established in connection with the claim, the proof of claim shall be accompanied by an escrow account statement prepared as of the date of the filing of the petition, in a form consistent with applicable non-bankruptcy law.

C. Failure to Provide Supporting Information. If the holder of a claim fails to provide the information required in this rule, the court may prohibit the introduction of that information, in any form, as evidence in any hearing or submission in any contested matter or adversary proceeding in the case, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, after notice and hearing, may award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

~~B. The debtor or trustee filing a proof of claim in the name of a creditor pursuant to Bankruptcy Rule 3004 shall have the responsibility of noticing the filing to the affected creditor, and as appropriate, the debtor or trustee.~~

• **3002-1 / Filing Proof of Claim or Interest (NEW)**

New rule establishing a time period for secured creditors to file claims for deficiencies upon surrender of collateral in a Chapter 13 Plan as verbiage is now being added by debtors in Chapter 13 Plans that states a debtor will surrender collateral and that the creditor has "x" number of days to file an unsecured claim.

A. Upon confirmation of the Chapter 13 Plan that provides for surrender of secured collateral back to a creditor:

(1) The secured creditor shall have sixty (60) days from confirmation of the Chapter 13 Plan to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from confirmation of the Chapter 13 Plan to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim.

(5) If the plan filed by the debtor(s) provides for the surrender of collateral, that plan shall constitute the debtor(s) consent to the immediate termination of the automatic stay.

B. If a Chapter 13 Plan does not provide for the surrender of property:

(1) The secured creditor shall have sixty (60) days from the date of an Order terminating the automatic stay to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from the date of an Order terminating the automatic stay to file an unsecured Proof of Claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim.

- **3002.1-1/ Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence (NEW)**

Suggested in conjunction with 3001-1.

A. NOTICE OF PAYMENT CHANGES. In a chapter 13 case, if a claim secured by a security interest in property listed in the petition and schedules as the debtor's principal residence is provided for under the debtor's plan pursuant to § 1322(b)(5) of the Code, the holder of or holder's agent for such claim shall file with the Court and serve on the debtor, debtor's counsel, and the trustee a Notice of Payment Change (see local forms page on Court internet site) of any change in the payment amount, including changes that result from interest rate and escrow account adjustments, at least thirty (30) days prior to any payment change adjustment.

No later than thirty (30) days after service of the "Notice of Payment Change," the debtor shall file either a consent or an objection to the Notice. If the consent requires additional follow-up by the debtor (i.e. a post-confirmation plan modification), the related documents will be filed at the same time as the consent. Objections to the Notice will be set for hearing. If the debtor fails to file a consent or an objection, the debtor will be deemed to have accepted the payment change and the payment change will go into effect with the next payment date.

B. FORM AND CONTENT. Any Notice of Payment Change filed and served pursuant to subdivision A. of this rule

(1) shall conform substantially to the Court's Notice of Payment Change (see local forms page on Court internet site)

(2) shall not be subject to Bankruptcy Rule 3001(f).

C. MORTGAGEE'S POST PETITION ANNUAL NOTICE OF FEES, EXPENSES AND CHARGES.

(1) In a chapter 13 case, if a claim secured by a security interest in property listed in the petition and schedules as the debtor's principal

residence is provided for under the debtor's plan pursuant to § 1322(b)(5) of the Code, the holder of such claim shall file and serve on the debtor, debtor's counsel, and the trustee an annual notice containing an itemization of all fees, expenses, or charges incurred in connection with the claim after the filing of the bankruptcy case that the holder asserts are recoverable against the debtor or against the debtor's principal residence.

(2) The notice must be filed annually with the Court within thirty (30) days after the anniversary of the commencement of the case until the case is closed.

(3) Upon Motion of the debtor or trustee filed no later than thirty (30) days after the annual notice given pursuant to this subdivision, after notice and a hearing, the court shall determine whether such fees, expenses or charges are required by the underlying agreement and applicable non-bankruptcy law for the curing of the default or the maintenance of payments in accordance with §1322(b)(5) of the Code.

D. MOTION TO DEEM MORTGAGE CURRENT

(1) In any chapter 13 case where mortgage arrearage cure payments are being made through the chapter 13 plan, the Debtor or Debtor's attorney, if represented, shall, no later than thirty (30) calendar days after the filing of the "Chapter 13 Trustee's Preliminary Final Report," file a Motion to Deem Mortgage Current (see local forms page on Court internet site.)

(2) The motion shall be filed using the negative notice procedure described in Local Rule 2002-2.B.(2) and served upon the creditor at the mortgage holder's address of record and if applicable, the attorney's address of record.

(3) If creditor timely files an objection to the Motion to Deem Mortgage Current, the court will schedule a hearing.

(4) The mortgagee shall be served in accordance with Bankruptcy Rule 7004.

(5) The failure of the debtor to timely comply with LR 3002.1-1.D.(1) may preclude the debtor from filing such a motion at a later time.

E. FAILURE TO NOTIFY. If the holder of a claim secured by a security interest in the debtor's listed principal residence fails to provide information required by subdivision A. or C. of this rule, the holder may not seek to collect any fees, expenses and/or charges included in that information nor shall they be able to present that information, in any form, as evidence in any hearing or submission in

any contested matter or adversary proceeding in the case, unless the failure was substantially justified or is harmless. In addition to or instead of this sanction, the court, after notice and hearing, may award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

- **4001-1 / Automatic Stay – Relief From**

B. Requirement for movant to file a document noting the debtor's payment history.

B. The movant shall file with the Motion, or within seven (7) days after service of the notice of hearing, the following as appropriate in the circumstances:.....

(5) A statement showing the debtor's payment history.

- **4001-4 / Automatic Stay – Co-Debtor Relief From (NEW)**

New rule language noting that the response time for §1301 co-debtor motions for relief from stay is 21 days. This rule is very similar to Rule 4001-1, but effort has been made to incorporate the specific aspects of co-debtor stay issues under Section 1301.

A. The movant shall file with the Motion the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish:

(a) as between the debtor and the individual protected under subsection (a) of section 1301, such individual received the consideration for the claim held by the movant;

(b) the Plan filed by the debtor proposes not to pay such claim; or

(c) the movant's interest would be irreparably harmed by continuation of such stay.

(3) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay.

B. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty (21) days unless otherwise directed by the Court.

- **4004-1 / Grant or Denial of Discharge**

B. - This Chapter 13 DSO certification is required by other chapters as well. In addition, statements pertaining to 522(q) are required for some chapters. Therefore, language will be added to note applicable requirements and chapters.

B. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 13 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. Section 1328(h) using the following language:

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the debtor's homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

C. In an individual Chapter 11 the debtors shall file with the Court and serve on all parties in interest a certification that the debtor has paid all amounts that are required

to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 11 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1141(d)(5)(C)

(1) The Debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the Debtor's homestead]

or

(2) The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

D. All Chapter 12 debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 12 plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1228(f) (chapter 12):

(1) The Debtor has not claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) [generally the Debtor's homestead];

or

(2) The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of \$136,875 in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

Note: the dollar amounts listed in this Rule shall be adjusted as set out in 11 USC Section 104.

- **7005-3/ Service by Electronic Means Under Rule 5(b)(2)(D) (NEW)**

Inclusion of a new rule patterned from FL-M was submitted during the suggestion period. Similar provisions are already stated in our Admin. Procedures for Electronic Filing (II.B) and the agreement portion of the ECF user registration form (item 7). The recommendation is to not pursue this suggestion, but to add the Admin. Procedures as an addendum.

No language required.

- **9014-1/ Witnesses and Evidentiary Hearings**

Clarifying language added to note the need for an estimated amount of time required for an evidentiary hearing so that proper noticing can occur and unnecessary delays are avoided.

~~When a party determines an evidentiary hearing is required, counsel shall telephone Judge's chambers upon the filing of the related motion in order for the evidentiary hearing to be properly noticed by the court.~~

If a party has determined an evidentiary hearing is required at the time of filing a motion, counsel shall immediately notify the appropriate chambers by telephone in conjunction with the requirements stated on the ECF system when filing the motion. This includes information as to the estimated amount of time required for scheduling purposes. Failure to notify the court may result in unnecessary delays and continuances due to improper noticing.

- **9037-1/ Privacy Protection for Filings Made with the Court (NEW)**

Occasionally items are filed that mistakenly include personal identifiers or items covered under FRBP 9037. The suggestion is to add language to note the process required when filing a motion for protective order so that sensitive or private information can be redacted by the filer.

Procedures to protect personal identifiers and information are governed in accordance with FRBP 9037 and this court's *Administrative Procedures for Electronic Filing, Signing and Verifying Pleadings and Papers by Electronic Means*. If a document containing information in violation of those provisions is filed, a Motion for Protective Order to Restrict Remote Electronic Access and Provide for Redaction of Information should be filed along with a proposed Order. Upon entry of the Order, access to the original document will be restricted on the system. The filer must then file an amended document in which the private information has been properly redacted.

- **9070-1/ Exhibits**

A - Adding language requiring filing exhibits via ECF or notification in ECF as to why it cannot be done.

A. No later than three business days prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, file, and exchange all exhibits which they plan to introduce into evidence. If for some reason, the exhibit or a facsimile of the exhibit cannot be filed, clarifying information for the non-filing is to be provided with the items that are filed.

B - Adding "Date Rec'd" line to exhibit tag.

B. Each exhibit shall be tagged separately with a tag containing the following information:

RECEIVED AS PLAINTIFF // DEFENDANT // JOINT // EXHIBIT NO. _____
CASE NO. _____
ADVERSARY NO. _____
FOR ID. _____ IN EVIDENCE _____
DATE REC'D _____

D - Adding that counsel shall provide the completed witness and exhibit list to the clerk prior to the commencement of the hearing.

D. All exhibits and witnesses must be listed in order on a separate sheet of paper using the exhibit form (see local forms page on Court internet site) and filed with the court no later than three (3) business days prior to the commencement of the hearing.

E - Adding language requiring that the original exhibits be provided to the Clerk prior to the hearing with copies to be available for the Judge, law clerk, and witnesses.

E. The original, hard copy and/or printable version of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial ~~period~~. Additional copies shall be made available for use by the presiding Judge, law clerk, and witnesses. In lieu of separate copies for the witnesses, counsel are encouraged to utilize the court's electronic exhibit display equipment. In addition, copies of documentary exhibits and the listing of exhibits shall be exchanged between counsel prior to the hearing.

F - Adding language to reiterate sufficient copy requirement noted in Section E.

F. All exhibits produced at hearing or trial which are not pre-marked shall be tendered to and marked by the Court Clerk ~~(or Court Reporter if no Court Clerk is present)~~ as they are presented in evidence. Sufficient copies pursuant to Section E. shall be provided by counsel.

G - Adding language clarifying process to reclaim exhibits.

G. Upon the expiration of thirty (30) days after an order or judgment concluding a contested matter or an adversary proceeding is entered, including the entry of an order determining or any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk shall give notice to all parties

to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits which are not reclaimed shall be discarded or destroyed.

- **9072-1/ Orders**

C - Modify language requiring the submission of orders via the new link on the ECF bankruptcy page and/or ECF Central. Applicable changes will need to be made the court's Administrative Procedures for ECF.

C. Proposed orders and judgments shall be submitted electronically via the Orders link on the ECF system or similar link as part of the ECF Central program. Hard copies may be submitted only by non-ECF participants. Specifications regarding formatting, consent language and naming conventions are described in the Administrative Procedures for ECF located on the Court's website, and must be strictly adhered to in all cases.

Adding new subsection E – to allow the clerk's office to quote a local rule when a call is made for a delinquent order.

E - All orders should be submitted within three (3) business days after the date of the hearing or expiration of the response deadline, unless directed otherwise by the court or under a separate order-related provision contained within these rules.